

PAROLEE RIGHTS AND RESPONSIBILITIES HANDBOOK

October 2003

ABOUT THIS HANDBOOK

This handbook tells you about:

RIGHTS & RESPONSIBILITIES

What your rights are.
How to exercise them.
What your responsibilities are.
Where to learn more.
How rights can be limited.

DECISIONS

How they affect you.
Who makes them.
What the rules are.
How to appeal.

RESOURCES

Who to ask.
Where to go for information. How to do things.
How to get things changed.

To use this handbook:

READ IT NOW. Find out where to look for information you will need.

KEEP IT FOR LATER. When problems arise, you will find help here.

KEEP IMPORTANT PAPERS, such as Board Orders, court papers and papers from a welfare eligibility worker--you need the facts.

NOTE: The information contained in this handbook, about your rights and how to exercise them, stems from U.S. and California Court decisions, California Codes, and Youth Authority policy. These sources of your rights are subject to frequent change. This handbook is published periodically so that it may be updated. Your parole agent will let you know if any pertinent information has changed since the last handbook revision.

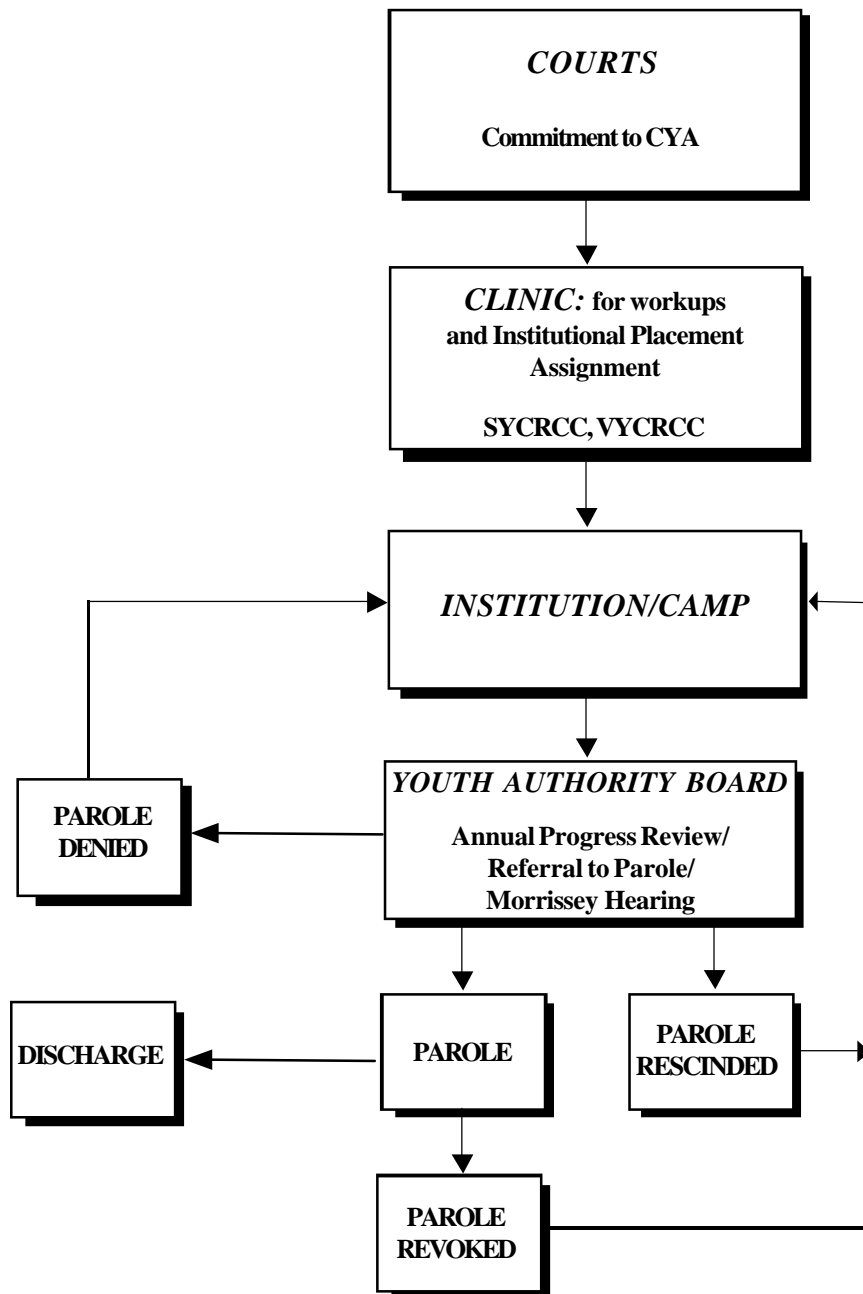
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YOUTH AUTHORITY PROCESS



IMPORTANT ADDRESSES

1. Director of the Youth Authority

4241 Williamsborough Drive
Sacramento, CA 95823-2088
Telephone: (916) 262-1467

2. Northern Region

4637 Chabot Drive, Suite 115
Pleasanton, CA 94588-2752
Telephone: (925) 460-3760

3. Southern Region

741 Glenvia Street, 2nd Floor
Glendale, CA 91206-2410
Telephone: (818) 543-4713

4. Ombudspersons

California Youth Authority
4241 Williamsborough Drive
Sacramento, CA 95823-2088
Telephone-Northern Region:
(916) 262-0821
Southern Region:
(916) 262-2756

5. Chairman of Youthful Offender Parole Board

3336 Bradshaw Road, Suite 255
Sacramento, CA 95827
Telephone: (916) 255-4495

INTRODUCTION

This handbook is written to help you understand your rights and responsibilities as a Youth Authority parolee and the steps you can take if you feel your rights are being violated.

The United States Constitution gives every citizen certain basic rights which cannot be denied because an individual is in an institution or on parole.

You are protected by these rights while you work toward discharge from parole through responsible behavior. Until then, your liberty is limited to the degree necessary to protect you and others, and to carry out the legal purpose of your commitment to the Youth Authority.

You are encouraged to exercise your rights as a parolee. However, you must understand that every right carries with it a responsibility. Just as you want others to respect your rights, you must respect the rights of others.

While you are in the Youth Authority, your rights will be protected. You will have several different ways to have your case reviewed by a higher authority if you feel your rights are being violated. At the same time, you will be held fully accountable for all of your actions. Abide by your conditions of parole and follow the instructions of your Parole Agent. If you are dissatisfied, try to resolve the problem informally by talking first to your Parole Agent and then the Supervising Parole Agent. You also have access to the YOPB appeal process, the Youth Authority grievance procedure, and you may write or call the Youth Authority Ombudspersons.

If you have questions about what is contained here, or if you wish more detailed information, talk to your Parole Agent, the Regional Grievance Coordinator in your area [North: (925) 460-3760 or South: (818) 543-4713], or the Ombudspersons [North: (916) 262-0821 or South: (916) 262-2756].

The information contained in this handbook about your rights and how to exercise them, stems from U.S. and California court decisions, California statutes, and Youth Authority and Youth Authority Parole Board policies. These sources of your rights are subject to change. Your parole agent should have the materials available for you to reference.

Reasonable Accommodation

If you have a disability, the Americans with Disabilities Act (ADA) may apply to you. If you have a problem with a major life activity such as hearing, seeing, speaking, walking, moving, breathing, or learning, or if you have a mental illness, you may have a disability. The ADA says that you must not be left out of places, programs, activities, hearings, or other events because of your disability. The California Youth Authority has programs to help wards and parolees with disabilities. Discuss your disability with your Parole Agent. If you are identified by a medical doctor or psychiatrist as having a physical or mental disability, you have the right to receive "reasonable accommodation." This means that the parole staff will—up to a point—adapt and make changes to help you participate in and benefit from parole programs and services.

PAROLE

Parole is defined as a "conditional release from an institution before the expiration of commitment."

What this means is that when you are placed on parole, you are released from the institution or camp and placed in the community. ***Your continued freedom on parole depends on meeting your conditions of parole.***

The Youthful Offender Parole Board has set certain conditions of parole that you must meet. In addition to the general conditions of parole, the Board may set special conditions for you-based on your past behavior, commitment offense and treatment needs.

The ***general*** conditions of parole are listed below:

1. You shall follow the instructions of your parole agent;
2. You shall obey all laws and ordinances;
3. You shall not change your approved placement or leave the State of California without the permission of your parole agent;
4. You shall not evade parole supervision;
5. You shall not be a substantial danger to yourself or do anything which is a substantial danger to yourself or to the person or property of another;
6. You and your residence and any property under your control may be searched without a warrant by a parole agent of the Department of the Youth Authority, parole agent of the Youthful Offender Parole Board or any peace officer;
7. You may not use, possess, sell or have under your control any firearm if you have a felony conviction;
8. You shall abstain from the use of alcoholic liquor or beverages if you have been convicted of any of the offenses listed in Section 290 of the Penal Code (1767.2 Welfare and Institutions Code);
9. You shall report all law/police contacts to your parole agent on the first working day following such contact;
10. You shall not own, possess, use or have under your control any deadly weapons, firearms, knives, explosive devices or ammunition;
11. You shall provide proof of working, education or vocational training or provide proof of seeking such activity;
12. You shall not knowingly associate with any negative peer or gang member(s) or participate in any gang activity;

13. You must carry a valid I.D. at all times. You must use your full and correct name, date of birth and provide your correct address when requested by a peace officer;
14. You shall not drive unless you have a valid driver's license, insurance and car registration; and
15. You shall not be in the United States illegally.

The Special Conditions of Parole that may be assigned to you are:

1. You shall not possess or use any alcoholic beverage;
2. You shall not unlawfully own, possess, use or sell any controlled substance, dangerous drug, narcotic (including marijuana), or other mind-altering substance or any type of paraphernalia for the use or sale of any drug or narcotic; You shall not frequent the areas of drug or narcotic sales or use or associate with sellers or abusers;
3. You shall participate in a mandatory (e.g., substance abuse) program as directed by your parole agent;
4. You shall pay court-ordered restitution;
5. You shall successfully complete EEPRP (Electronically Enhanced Parole Release Program) monitoring; or any
6. Miscellaneous special conditions of parole (these conditions are related to your particular treatment needs).

COMMITMENT TO AND DISCHARGE FROM THE CALIFORNIA YOUTH AUTHORITY

You are a Youth Authority ward. This means you have been committed to the Youth Authority from Juvenile or Criminal Court.

Your commitment to the Youth Authority may include a period in an institution and on parole. You will be discharged from the Youth Authority in one of three ways: 1) your period of parole has been satisfactorily completed; 2) you have reached the expiration of your commitment; or 3) you commit a new offense and the court commits you to state or federal prison, or you receive a county jail sentence or probation that would extend beyond your Youth Authority expiration date.

The expiration date of your commitment to the Youth Authority depends on which court committed you and the reason for your commitment. (See Welfare and Institutions Code, Section 1769-1771, and Penal Code Section 3000, *People v. Otivas* (1976) 17 C3d 236).

Your expiration date by offense can be extended if you were committed from the Criminal Court, and your parole is revoked. If you have been committed from the Criminal Court, and you have been missing from parole supervision, upon YOPB order, your expiration date can be extended up to three times, but not beyond your 25th birthday.

You will become eligible for discharge from the Youth Authority at the end of your commitment, or prior to this time on the recommendation of your Parole Agent. There are three types of discharge available. (See Welfare and Institutions Code, Section 1800-1803.) The type of discharge you receive will depend on your parole performance. Discharge prior to your expiration by age may result from a good parole record, commitment to a state or federal prison, or committing an offense for which you receive probation, county jail, etc. The three types of discharge are:

1. Honorable Discharge

Parolees shall be discharged honorably when they have performed satisfactorily for a sufficient period of time to give reasonable assurance that they will continue as law-abiding citizens. This includes:

- Completion of 80 hours of community service;
- Payment in full of any court-ordered restitution; and
- Completion of education requirements as required

Prior to Expiration of Commitment, parolees shall have met the following criteria before being recommended for an honorable discharge:

- Demonstrated a pattern of behavior reflecting personal, social and economical growth and a satisfactory plan for continued personal, social and economic growth for a minimum of 12 to 18 months' behavior as reflected in Parole Case Summary Reports.

At Expiration of Commitment

- Sufficient period of satisfactory performance giving evidence that he/she will continue as a law abiding citizen. (No serious law or parole violation for a reasonable period of time.)

2. General Discharge

Prior to Expiration of Commitment

- Death of parolee.
- Parolee will not benefit from training, treatment, supervision, surveillance and resources available to the Youth Authority, but is not likely to be a danger to himself or to the community.
- At annual review of ward who has been deported and there is no evidence of his/her return to the United States.

At Expiration of Commitment

- Length of jurisdiction of the Youth Authority does not provide the time for the parolee to demonstrate reasonable assurances that he/she will continue as a law abiding citizen (less than a year on parole).
- Court action pending.

- Failure to complete 80 hours of community service.
- Lack of employment or involvement in education or job training.
- Parolee has failed to pay court-ordered restitution in full.
- Does not meet the criteria for Honorable Discharge and record does not warrant a Dishonorable Discharge.

D. DISHONORABLE DISCHARGE

Prior to Expiration of Commitment

- Parolee is committed to any State or Federal prison.
- Parolee is committed to any local, State, or federal jurisdiction for a period of probation or jail sentence which does not exceed Youth Authority jurisdiction and it is shown on a casework basis that he/she will no longer need Youth Authority supervision or services.

At Expiration of Commitment

- Parolee has demonstrated by his/her behavior that he/she is incapable at the time of discharge of functioning as a law-abiding citizen.
- Parolee is missing from parole supervision. No ward will be discharged as missing prior to expiration of commitment by age.
- Court action pending.

A letter will be sent to you 10 days prior to your Discharge Hearing notifying you of the date, time and location of the hearing. You have a right to: 1) appear at the Board review unless you are detained; and 2) if unable to attend, you may write a letter to the Board. The Youthful Offender Parole Board's actions on discharge are not grievable but may be appealed if it meets the Board's appeal criteria.

Discharge Upgrade

If you did not qualify for an Honorable Discharge (due to too short of a period on Parole before expiration of jurisdiction) and you wish to upgrade it, you may wait six months or more and then request your Parole Agent submit a Parole Report outlining the positive progress you have made since your discharge from parole, and take your case back before the YOPB.

Available Confinement Time

Available confinement time is the time provided for a ward's physical custody upon a sustained juvenile court petition/finding of guilt in criminal court and commitment to the Youth Authority. The amount of time is regulated by the commitment offense. If part of the total confinement time is used, the remainder of the time can be used as needed until the total time is expended.

provided it falls within the jurisdictional time. You should consult your Parole Agent regarding the available confinement time in your case.

Registration with Law Enforcement Agencies

Certain offenses such as designated sex offenses, arson and narcotics' offenses will require your registration with local law enforcement agencies. Failure to register as required by the Penal Code Section specific to the offense you violated is a law violation and a violation of your conditions of parole. Consult your Parole Agent regarding your need to register.

RESTITUTION

A provision of Proposition 8, enacted by the voters in June of 1982, resulted in the Legislature enacting a series of statutes concerning restitution for convicted offenders (Government Code 13967) and for juvenile offenders (W&I Code 730.6). Additional related legislation was subsequently passed by the Legislature, the most recent of which is AB 1132 (Chapter 266, Statutes of 1997).

The committing court is required to order restitution fines and victim restitution as outlined in the Guidelines for Juvenile and Adult Restitution, which were prepared by the Board of Control, Revenue Recovery and Compliance Branch.

In the event that a parolee has a court order requiring both victim restitution and a fine, victim restitution is always collected first.

At times, a parolee may be under dual supervision (by both state parole and county probation). In this case, Youth Authority continues to collect the amount stated on the court commitment orders even though the county may collect additional restitution for other/subsequent offenses.

Your Parole Agent will discuss restitution with you and make your payment arrangements. It is important to note that you cannot receive an Honorable Discharge until all of your court-ordered restitution is paid.

RIGHTS ON PAROLE

- A RIGHT TO A FUTURE DISCHARGE DATE. You have a right to know when your commitment to the Youth Authority will expire and how you can earn an honorable discharge.
- A RIGHT TO A COPY OF CONDITIONS OF PAROLE AND TO KNOW WHAT IS EXPECTED OF YOU ON PAROLE.
- A RIGHT TO TAKE PART IN THE DEVELOPMENT OF YOUR PAROLE PROGRAM. You have a right to have a voice in your program and to receive guidance and help from your Parole Agent.
- A RIGHT TO AN ANNUAL BOARD REVIEW OF YOUR PROGRESS WHILE ON PAROLE.
- A RIGHT TO REVIEW YOUR CASE FILE.
- A RIGHT TO USE THE PAROLEE GRIEVANCE PROCEDURE.

YOUR RIGHTS TO PRIVACY AS A YOUTH AUTHORITY WARD

Information Practices Act, 1977

(Reference: California Civil Code Sections 1798 – 1798.78)

In 1977, the California State Legislature passed the Information Practices Act. It says that you have a right to know some things about information that is gathered from you. This section will tell you what you have a right to know about the information the Youth Authority collects in its files on you and your right of access to those files.

Information Collected

Sometimes, you will be asked to give personal information that will be put into an annual report to the Parole Board or on a form. Then, it will be placed in your case file. You should answer all questions the best you can. If the questions are not answered or are answered incorrectly, the Youth Authority may not be able to give you the parole program that meets your specific needs.

The Welfare and Institutions Code (Sections 1761, 1763, 1764, 1764.1 and 1761.2) gives the CYA the right to obtain and keep this information and specifies to whom it may be released. The Information Practices Act requires the CYA to keep only that information that is up to date and necessary to do its job. If you have any questions about the information in your file, contact your Parole Agent.

The Youth Authority will use this information for training and treatment purposes. Staff of the CYA and the Youthful Offender Parole Board may read your files. No one else, except for certain persons listed below, may read your files except you, your parents or guardians, or your lawyer. If you are 18 or over, your parents, guardians and lawyer must have your consent to see your file.

TYPES OF FILES

The Youth Authority keeps several files containing information about you. The information is needed for training and treatment purposes. For example, your Medical File, containing your medical history, can help a Youth Authority doctor treat you, if you become ill. All information that is collected from you will go into one or more of these files.

Master File: This file is a collection of most of the information the Youth Authority has about you. It is kept at Youth Authority Headquarters in Sacramento. This file is maintained for seven years after your discharge from the Youth Authority and then destroyed. While the file exists, information may, upon request, be shared with any county, city, state or federal agency who is authorized by law to see the file.

Field File: This is your official active file. It contains court forms, records and documents. For example, casework records, Board reports and rap sheets will be in your Field File. This is the file that goes everywhere you go while under Youth Authority jurisdiction--when you change institutions, and when you are paroled. While you are on parole, it is maintained and kept current at your assigned Parole Office. It is destroyed 30 days after you are discharged. While this file exists, information may, upon request, be shared with any county, city, state or federal agency who is authorized by law to see the file.

RIGHT OF ACCESS TO FILES

These people or groups may see your files:

1. YOU, with these exceptions:

- If the information would be harmful to your physical or mental health;
- If the information would be harmful to another person; or
- If the information is required by law to be withheld from you;

If the information belongs in one of these areas, it is called “confidential, and you cannot see it.

2. If you are over 18, your parents, guardians and attorney may see your files, but only when you give them written permission. If you are under 18, your parents or guardian do not need your written permission, but your attorney does.
3. Employees and volunteers of the Youth Authority may see your files, but only if they need the information to do their jobs.
4. Other government agencies may see your files, but only if they need the information to do their jobs.
5. People who have been properly issued search warrants or court orders may see your files, but only if they need the information for their jobs.

6. Law enforcement officers may see your files if the files contain information that is needed for an investigation.
7. People doing research or statistical reports may see your files, but only if the information that is released does not identify your name or Youth Authority number.

When other people collect information from you, you have a right to know the name of their department, section, unit or field office. If you feel that a part of your file is incorrect, you may ask to look at and correct the information (California Civil Code Sections 1798.0-1798.39). A general description of any information removed from your file must be given to you. If you are dissatisfied with the removal of some information, you may file a grievance regarding the decision to withhold the information. If you are still not satisfied, you may file a petition seeking to have the court order the information released to you.

If you want something placed in your file, write a "letter of information" to your file and give it to your Parole Agent.

PAROLEE GRIEVANCE PROCEDURE

The Ward Grievance Procedure is a process you may use when you have a complaint or problem while on Parole with any Youth Authority policy, rule or practice, or with any behavior or action directed toward you by parole staff. While the Procedure differs in some ways from the Ward Grievance Procedure in the institutions, your basic rights and what is grievable remain the same.

If you have a complaint about a parole office policy or staff member, talk it over with your Parole Agent or the Supervising Parole Agent first. In most cases, they can help you work it out. Try to find an answer to your problem. You are not required to talk about it before filing a grievance, but you are encouraged to do so.

No one is permitted to punish you, discriminate against you, or threaten you for using or helping another parolee use the Grievance Procedure. If you feel others are getting back at you for using the Grievance Procedure, you may: a) call or write the Parole Regional Administrator; b) write or call the Regional Ombudsperson ; c) write a letter to the Director (staff may not open any of these letters); or d) file a grievance regarding your problem.

Some things are not grievable, such as DDMS actions, temporary detention, or Board policy and decisions, which have their own appeal processes. Most things are grievable, for example: policies and rules of your parole office or the Youth Authority; actions by parole staff; conditions of placement; and the description of your behavior in a report to the Board.

Staff are responsible for making sure that you are told about the grievance system and that you have the opportunity to use it. They are also responsible for making the procedure safe—they are not allowed to take reprisal against a parolee who files a grievance.

The procedure in your Parole Unit must provide the following:

1. **Information** You have the right to be told about how the Parolee Grievance Procedure works and how to use it. You can receive written instructions on how to file a grievance if you need them. If you have questions and/or need the Grievance Form (YA 8.45P) or written instructions, ask your Parole Agent or the Regional Parolee Grievance Coordinator, who is a staff person working at the Regional office. (See Chapter 1, Youth Authority Process, Important Addresses for Regional office address and phone number.)
2. **Help** Each Parole Region has someone who is responsible for helping you file a grievance.
3. **Chance to Use** You are encouraged to resolve your problems informally with your Parole Agent, but you have the right to file a grievance without first doing so. You may contact your Parole Agent or the Regional Parolee Grievance Coordinator to find out how to file a grievance. The Regional Grievance

Coordinator will accept a "collect" call in order to provide you with this information.

4. **Emergency Procedure** Sometimes you may have a problem which needs to be solved quickly; for example, if you are denied permission to visit a sick relative in another state. Emergencies are situations where something very important will be lost which cannot be replaced. *The Regional Administrator* will decide quickly whether the grievance is an emergency; and if so, will see that you are given a response within a short period of time, as determined by how immediate your problem is.
5. **Representation** You may choose another person to help you during any part of the procedure. This may be a friend, a community member or staff. This person may attend and participate in any conference, hearing or review in which you participate.
6. **Full Hearing** Many problems on parole may be resolved without a hearing. But, if your grievance is not resolved, you have a right to a full hearing to explain your grievance at some level of the procedure.
7. **Appeal to A Higher Level of Review** If you are not satisfied with any decision made about your grievance, you may appeal it to a higher level. There are three levels of review.
 - If you are unable to solve your problem informally with your Parole Agent, your grievance will go to the first level of review. This review will be conducted by the Supervising Parole Agent (SPA) and will include all parties involved. The SPA must provide you with a written "Response to Grievance" within five (5) working days of receiving the grievance.
 - If you are dissatisfied with the decision at the first level, you may appeal to the second level of review within five (5) working days of the decision. The Regional Administrator

will make a decision on your grievance at this level and provide you with a written response within ten (10) working days from the date the appeal was received by the SPA.

- If the decision of the Regional Administrator does not satisfy you, you may appeal to the third level of review within five (5) working days of the decision by submitting it directly to the Branch Wards' Rights Specialist in the Parole Deputy Director's Office in Sacramento. This level of appeal is to an Independent Review only for Youth Authority *policy* issues and will be conducted by an independent body, the American Arbitration Association. The selected person will be a professional arbitrator trained to resolve problems between people.

- If you appeal a grievance to this level, you should prepare your arguments in advance. The Wards' Rights Specialist will give you information on how to prepare your case within three (3) working days of receiving your appeal and will arrange for the Independent Review. It is important to be well prepared because this is the *final appeal*. The recommendation of the Independent Review panel will be approved and put into effect, except where the decision would:
 - A. Be contrary to law;
 - B. Be a physical danger to wards, staff or public;
 - C. Require spending of money which is not available to the Youth Authority;
or
 - D. Be harmful to the welfare of the public or to the operation of the parole unit, as determined by the Director.

8. **Action** Your right to appeal to the next level of review is automatic if:

- A. No decision on our grievance has been made within set time limits for each level of review; or
- B. The changes you requested in your grievance are granted, but staff fail to carry out those changes within the time stated in your written response.

Protection from Reprisal

No one is permitted to punish you or discriminate against you for using the Parolee Grievance Procedure. If you feel reprisals are being taken against you or feel that reprisals will be taken for using the Grievance Procedure, you may:

- 1. Write directly to the Ombudsperson or the Director of the Youth Authority.
- 2. Call or write the Regional Parolee Grievance Coordinator.
- 3. File a grievance about the reprisal action.

Detailed information on the Grievance Procedure is contained in Welfare and Institutions Code Section 1766.5 and California Code of Regulations Sections 4085 through 4106.

YOUTHFUL OFFENDER PAROLE BOARD

At the time of this writing, the Youthful Offender Parole Board is being transitioned to the Youth Authority Board, with the Director of the Youth Authority to serve as Chairman. Your Parole Agent will inform you of any policy changes.

The Youthful Offender Board (YOPB) is made up of seven individuals who have been appointed by the Governor and approved by the Legislature. These Board Members or their representatives (called Board Representatives, appointed by the YOPB Chairman) are the individuals who will conduct hearings of several types (examples include Annual Good Cause Review, Violation/Detention and Discharge and Morrissey hearings), and make many of the decisions most important to you while you are in the Youth Authority. Some of those decisions are:

- The date of your next appearance before the Board.
- When you will be considered for release on parole.
- What your conditions of parole will be.
- Whether to continue you on parole or revoke your parole due to a violation of the law or your conditions of parole.
- When you will be discharged and what type of discharge you will receive.

As required by law, the Board will review your parole progress at least once a year at an Annual Good Cause Review hearing to decide whether or not there is a need to continue you under parole supervision. You will be provided with a copy of the Parole Agent's report, and you have a right to appear at the hearing in person unless you are detained in a facility other than a Youth Authority institution. If you are unable to attend, you may write a letter to the Board stating your feelings. At these hearings and any other time you appear before the Board, you have the following rights:

1. TO RECEIVE AT LEAST FIVE DAYS ADVANCE WRITTEN NOTICE OF THE DATE, TIME AND LOCATION THAT THE BOARD WILL BE HEARING YOUR CASE.
2. TO SEE YOUR FILE AND ALL REPORTS (**Unless Confidential**) BEING PRESENTED TO THE BOARD. In addition, anytime you appear before the Board for a hearing, it will be tape recorded. This tape may be reviewed by you, your parents or an attorney upon request.
3. TO REQUEST THAT YOUR PARENTS, GUARDIANS, SPOUSE OR A RELATIVE BE PRESENT AS AN OBSERVER. Also, you may exclude them if you have a good reason.
4. TO EXCLUDE PUBLIC OBSERVERS (people not connected with your case).
5. TO RECEIVE A WRITTEN COPY OF ALL YOPB ORDERS CONCERNING YOU.

APPEAL OF BOARD ORDERS

You have the right to appeal any Board action or order affecting you if:

1. The decision is contrary to law or Youth Authority policy.
2. There is new information affecting your case which was not available to the Board at the time of the hearing. For example, if new evidence is discovered which shows that you did not commit the acts which led to parole revocation.

3. The Board policy, which was the basis for the Board's action, should be changed.
4. There are unusual circumstances requiring Board action which would further the interest of justice.
5. An appeal of a Board action or order may be filed by you (your parents or guardian, if you are under 18 years of age) or your attorney. Appeals should be filed within 30 days of the Board's decision in question.

To start an appeal, you must fill out a copy of Form YA 1.316 (available from your Parole Agent or other CYA staff) and mail it to the Chairman of the Youthful Offender Parole Board. The instructions for completing the appeal are on the back of the form and the Chairman's address is listed in this handbook.

After reviewing your appeal, the Chairman will then decide either to:

(1st Level of Appeal)

- Deny the appeal.
- Send it back to the Board for rehearing.

(2nd Level of Appeal)

- Send it to an appeal panel (made up of two Board members or representatives). Appeals can only be referred to this level by the Chairman.

(3rd Level of Appeal)

- Send it on to the Full Board en Banc (all seven Board members). Generally, your case will go to the Full Board en Banc only if it involves Board policy. This is the final level of appeal. Cases can only be referred to this level by the Chairman or the appeal panel from the 2nd Level of Appeal.

If your appeal is denied but you receive NEW information which could affect the decision, you may resubmit your appeal for consideration.

For further information regarding appeals of Board action, consult the California Administrative Code, Title 15, Division 4.5, Article 7, Sections 4935 through 4949.

You are reminded that only Board actions can be appealed through the Board's appeal process. Other complaints or problems can only be resolved through the Parolee Grievance Procedure. If you are unsure, discuss it with your Parole Agent.

TEMPORARY DETENTION

Your Parole Agent may determine that temporary detention is necessary to further your treatment goals, to use as a disciplinary measure short of parole revocation, or for medical care for your mental or physical health. If any of these conditions exists, you may temporarily be placed in custody.

If so, you will be detained at an authorized facility, for the amount of time necessary to accomplish the purposes of the detention. You may not be detained longer than 30 days at one time or more than a combined total of 30 days within a consecutive six-month period.

You are entitled to a hearing before the Director's Representative (such as a Supervising Parole Agent or a Parole Regional Administrator, as authorized Parole Services Manual Section 1045) either before you are detained or within two working days of the date that you were detained, unless you waive this hearing. The Parole Board shall review the written summary of the hearing or your waiver at the next parole calendar.

The purpose of a hearing is to determine if the decision to detain you was correct. At this hearing you have the right to:

1. Be present.
2. Receive a written report of the reasons for your detention and how long you will be detained.
3. Respond to the report.
4. Be assisted by an attorney if the Director's Representative decides you are unable to understand the nature and purpose of the hearing.

6. Receive a written summary of the decision and the reasons for the decision.

NOTE: You may appeal the decision of the Director's Representative (usually a SPA) and the Youth Authority Board regarding temporary detention if your reasons for appeal fit into the established criteria for appeal of Board actions.

PAROLE VIOLATION PROCESS

It is your responsibility to follow the Conditions of Parole set for you by the Youthful Offender Parole Board when you are released to parole. If you violate any of your Conditions of Parole (a technical violation) or violate any law (a law violation), you may be continued on parole or you may be temporarily detained and proceedings may begin to have your parole revoked.

Your Parole Agent may have you arrested and detained if he/she believes that your behavior meets one of the following detention criteria:

- A. You are an immediate danger to yourself;
- B. You are an immediate danger to the person or property of another; or
- C. You are considered likely to leave the jurisdiction of the Youth Authority.

If the Youthful Offender Parole Board determines in a hearing that you have violated any of the conditions of your parole agreement, you may be continued on parole or returned to an institution.

The California Code of Regulations (Section 4977) insures you the following rights if you are alleged to have violated a law or a condition of parole:

- Notice of the date, time and place of the hearing at least five days in advance of hearing.
- Notice of the alleged parole violations and the evidence relied upon to support the allegations.
- To receive a copy of any police, arrest and crime reports to be used with the allegations.
- To ask for the assistance of counsel and to receive it if you are under 14 years of age or it is determined that you are unable to understand the nature and purpose of the hearing.
- To appear in person and to speak in your own behalf.

- To bring letters and documents to the hearing and to request the presence of witnesses in your defense.
- To request the appearance of witnesses against you so that they may be questioned in your presence.
- To ask for a postponement if new evidence is presented at the hearing and you need time to prepare a response.
- To have the facts established and a detention or revocation decision made by the Parole Board.
- To receive a written summary of the hearing (i.e., a copy of the Board Order) along with the reasons for the decision.
- If you have been arrested and charged with a law violation, your Parole Agent may place a hold on you and you will not be able to bail out of jail. If you are detained for more than 60 days, you will have a Probable Cause/Detention hearing, unless you waive it, to determine that there is probable cause to believe that you did violate the law and that it is necessary to detain you pending court and subsequent Board action. Prior to these hearings, you will be served a "notice to parolee awaiting violation action" which will advise you of your rights in these procedures.

If you feel the decision of your Parole Agent to detain you on his own authority is unfair, you may file a grievance. The decision by the Board to have you detained is subject to the Board appeal procedure. Once the need to have you detained is established by the Board, the decision will be reviewed on a regular basis by both parole staff and the Board.

SEALING OF RECORDS AND RELEASE FROM PENALTIES

Juvenile Court Cases

If you were committed to the Youth Authority by a Juvenile Court, you may be eligible to have your juvenile records sealed under Section 781 of the Welfare and Institutions Code. This can be done at no cost to you. Your petition to seal your juvenile court records may be filed five years or more after the jurisdiction of the Juvenile Court has terminated, or you reach your 18th birthday, whichever occurs first. (Note: If you need any records from Youth Authority files for inclusion with your petition, be sure to file your petition BEFORE seven years after CYA discharge because that is when your Master File will be destroyed.) If your committing offense was one of the serious felonies listed in Welfare & Institutions Code Section 707 (b)(2)(d) or (e), at least SIX years must have passed before you can file this petition (or your 18th birthday). However, if you were 14 years of age when you committed the afore-mentioned WIC 707 (b) offense, you are prohibited from having your juvenile records sealed. If you meet these criteria and you want to have your records sealed:

1. Since the termination of jurisdiction, you must not have been convicted of a felony or any misdemeanor involving moral turpitude (such as a sex offense).
2. Take a copy of your Order of Discharge to the Juvenile Probation Department of the court that committed you.
3. The juvenile Probation Department may assist you, or you may, on your own, prepare and file a petition with the committing court. You should list all juvenile offenses and all agencies with whom you had contact.
4. If the court determines that you have been rehabilitated, it shall order all of your juvenile records sealed.

This means that any of your juvenile offenses are considered not to have occurred. (*Sex offenders who were required to register under Penal Code Section 290 will be relieved of that requirement when their records are sealed.*)

Remember, only you can petition the court for the order to seal your records.

Criminal Court Cases

If you were committed to the Youth Authority by a Criminal Court and received an Honorable Discharge, provided you were not placed in a state prison, *you automatically qualify for relief under Section 1772 of the Welfare and Institutions Code.*

1. At the time your Honorable Discharge was entered, the committing court was notified in writing so that it could enter its order setting aside the verdict of guilty and dismissing the accusation against you. *The court is requested to mail a copy of this order DIRECTLY to you.*
2. This action releases you from all penalties and disabilities resulting from the offense for which you were committed, including, but not limited to, any disqualification for any employment or occupational license, or both, created by any other provision of law. However, *you would not be eligible for appointment as a peace officer employed by any public agency, other than the Department of the Youth Authority*, if your appointment would otherwise be prohibited by Section 1029 of the Government Code.
3. This action *does not* seal your record; rather, it sets aside the verdict of guilty.

If you did not receive an Honorable Discharge, you **MAY** still qualify for relief under Section 1772 of the Welfare and Institutions Code. To obtain this relief, you should:

1. Contact the Master Files Unit of the Youth Authority, Sacramento, which will provide an Affidavit on Discharge to file with your petition with the committing court.
2. Contact the Probation Department in your county of commitment which may assist you, or you may, on your own, prepare and file a petition with the committing court.
2. The court MAY then grant relief and set aside the verdict of guilty.

Opportunities and Benefits

Your community offers many opportunities and benefits when you are on parole. Some organizations listed here are government agencies, some are run by private citizens and others are organized by ex-offenders.

Although some programs are set up to give you help right away, *most take time*. Your Parole Agent can help you apply for some benefits, and may know of other services available in your area. You may want to contact some of these agencies and organizations.

WHEN YOU APPLY FOR SERVICES AND BENEFITS:

<i>Be on time</i>	A missed appointment means a long wait for YOU!
<i>Take with you</i>	Social Security Number Identification Permanent Address
<i>Keep copies of</i>	Papers you are given, and write down names of people who handle your application.

- **Employment Development Department** The local Employment Development Department has Job Service Representatives who are trained to assist you in finding jobs and/or enroll in job preparation workshops. There are also “One-Stop Career Service Centers” located in every community. These “One-Stops” are partnerships of services to assist you with job preparation and/or job placement. EDD recently underwent a major conversion into the “Cal-Jobs” system, where you seek jobs at computer terminals by using your social security number as your individual identification code to access the terminals in obtaining job resources statewide by type of job, income desired, and geographic location.
- **Vocational Rehabilitation** If you are physically or emotionally handicapped, you may be eligible to enroll in Vocational Rehabilitation. In unusual and limited cases, if you know someone who is willing to hire you but can't afford to train you, you may qualify for on-

the-job training. The employer is paid while you are in training. Ask about this at the Local Department of Rehabilitation Office.

- **EDUCATION**

Parole High Schools/Public High Schools There are currently parole high school programs at several of the parole offices. This is an excellent opportunity for you to obtain your diploma, GED, and/or prepare for enrollment into a community college program. The parole schools offer a safe environment for you to work at your own pace in an independent study program, a regular school program and/or prepare for the GED. If you choose to take the GED, all arrangements will be made by the teacher at the parole school. Whether you receive a GED or diploma, you may participate in graduation ceremonies with other students and your family in attendance. There are on-site Parole Schools at many parole offices.

Effective May 1, 1998, all YA wards must have a high school diploma and/or GED to receive an Honorable Discharge on Parole. This may become extremely important for you in the future when you attempt to have your YA records sealed and/or seek employment which may require a certification. If you have any questions regarding these issues, immediately contact and discuss these issues with your parole agent.

Community Colleges (Two-Years) Admission requirements (test scores, grades, etc.) are different at various colleges, but Community colleges (two-year programs) allow all persons over 18 and any person with or without a high school diploma to enroll.

Community colleges offer vocational training at low costs and sometimes you may be eligible for a grant. Financial aid is available at most schools if you are a full-time student.

It will usually be given according to your financial need, not your grades. Aid will either be a grant (money you don't have to pay back but must be eligible to receive), a loan (repayable after you graduate or leave school at a very low interest rate), or work study (you are paid to do work while going to school). Also, Community colleges offer two-year training programs which will allow you to obtain employment quickly at better than average entry-level jobs. You may also qualify for a part-time job (work-study) if you become a student. For information about other schools, talk to a counselor, write to the Admission's Office of the school you are interested in. The usual fee for filing an application can often be waived if you explain you are unable to afford it.

- **V.I.P.** This special program, available in some parole offices, matches volunteer attorneys with Youth Authority parolees. The attorneys are a source of support removed from the complications of family and peers. The attorneys' knowledge of community resources and expertise in dealing with bureaucracies are skills which can be shared with the parolee.

Volunteer attorneys can, and do, take their parolees out for all kinds of recreational activities, help their parolees look for jobs or housing, give them advice on financial and personal matters, see their parolees for six to eight hours a month for at least six months, have patience, and listen.

For more information and to find out if your parole office has a V.I.P. program, ask your Parole Agent.

- **Social Security Benefits** You may be eligible for Social Security Benefits if you have a physical or emotional disability, or you are under 22 years of age and in school; and

- Either of your parents is deceased.
- Either parent is over 62 and receives Social Security benefits.
- Either parent is disabled and unable to work.
- **Department of Social Services** An eligibility worker will evaluate your financial situation to decide if you qualify for benefits. If you feel you were denied benefits you are entitled to, you may appeal that decision by telling your eligibility worker you want to do so. You may also be eligible for Medi-Cal, a program which pays for some medical care.

Food Stamps You may be able to get food stamps, which enable you to buy groceries for less money.

EMERGENCIES There are several places you can get help in an emergency. In addition to your Parole Agent, you may contact:

25-Hour Hotlines Some communities have a phone number you can call to talk to people trained to help you with problems. You don't need to identify yourself to talk to someone. Look in the phone book or call your local hospital emergency room or information (Dial 411) to find out the 24-Hour Hotline numbers.

If you need food or shelter, contact the Salvation Army or Volunteers of America. Many religious groups and churches also provide emergency care--look in the phone book.

Health Care The emergency room (county hospital) can provide treatment. "Free clinics" in many communities give medical treatment at a cost based on how much you can afford to pay. Planned Parenthood clinics can assist you with matters related to sexually transmitted diseases, birth control or pregnancy.

Legal Aid Help for legal problems is available without charge or based on how much you can afford. To find your local Legal Aid office or clinic, look in the phone book under the "Attorney Referral Service" or call your local County Bar Association.

Community Based and Non-Profit Organizations People in your community, many of them with interests like yours, have organized to offer services and support. These are good places to call or visit if you need advice or information. Most colleges have organizations for minorities. Here are some examples:

- Alcoholics Anonymous
- Narcotics Anonymous
- Ethnic/Cultural Centers
- Churches
- The Salvation Army
- Volunteers of America
- Domestic Violence Shelters

GLOSSARY--WORDS TO KNOW

ALLEGE	To state without fact or proof (although fact or proof may later be shown).
APPEAL	Asking that a case be taken to a higher level or authority for review.
ARBITRATOR	An outsider chosen to settle disputes between two parties.
DISPOSITION HEARING	A hearing at which it will be decided what to do with your case; what type of measures will be taken in your case.
DUE PROCESS	Fair treatment, as provided for by: notice, time limits, hearings, fair decision based on the evidence, written responses.
IMPARTIAL PETITION	Fair; without showing favoritism, no decision made ahead of time. A written application to the court requesting a specific judicial action.
PRIVILEGED	Information which may not be revealed without permission (confidential).
PROBABLE CAUSE	Facts and circumstances that would lead a reasonable person to believe that the alleged offense(s) occurred.
REPRISAL	An act done to try to get even (or get back at you) for something you had a right to do.
RESOLUTION (RESOLVE)	A solution to a problem.
RESTITUTION	A sum of money assessed by the court to be paid by the offender to the victim(s) or a fine to be paid to the court
WAIVE	Voluntarily giving up a guaranteed right.
WORKING DAYS	Monday through Friday; not including holidays or weekends.
WRIT	An order issued by the court telling someone to do, or not to do, something.